REMARKS-General

The newly drafted independent claim 19 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 19-25 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

With regard to the rejection of record based on prior art, Applicant will advance arguments to illustrate the manner in which the invention defined by the newly introduced claims is patentably distinguishable from the prior art of record. Reconsideration of the present application is requested.

Regarding to the Rejection of Claims 10, 13, 15, 17 under 35USC102

The examiner rejected claims 10, 13, 15 and 17 under 35USC102(b) as being anticipated by Kling (US 6,175,197). Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the ***invention*** was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

In view of 35 U.S.C. 102(b), it is apparent that a person shall **not** be entitled to a patent when his or her **invention was patent** in this country more than one year prior to the date of the application for patent in the United States.

However, the Kling patent and the instant invention are **not the same invention** according to the fact that the disclosure of Kling patent does not read upon the instant invention and the independent claim 19 of the instant invention does not read upon Kling patent either.

The applicant respectfully identifies the differences between the instant invention and Kling for the purpose of overcoming the rejections under 35USC102(b) as follows.

Regarding the newly drafted claim 19, Kling fails to anticipate a magnetic light, comprising an air-filled light body **which comprises a glass tube and an air guiding tube**, and has an inner cavity, at least a through slot defined on the inner cavity, and a fluorescent layer coated onto a sidewall of the inner cavity, wherein the glass tube is extended into the inner cavity, and is communicated with the inner cavity for storing a predetermined amount of mercury. There is no glass tube and the air guiding tube disclosed in Kling. The examiner refers to element 72 as an anticipation of the glass tube. This is not accurate. According to Kling, element 72 is an exhaust tabulation. Nothing in Kling discloses that the exhaust tabulation is a "glass tube".

Furthermore, Kling fails to anticipate a magnetic light comprising a magnetic body positioned in the through slot of the inner cavity, and is arranged to generate high frequency resonance with the fluorescent layer to make the fluorescent layer generate illumination having an enhanced luminous efficiency, extended life span and enhanced energy saving ability.

Kling merely discloses an electric lamp assembly including an electrodeless lamp, including an electrodeless lamp envelope, a transformer core disposed in proximity to the lamp envelope and an input winding disposed on the transformer core. The lamp envelope preferably comprises a closed-loop, tubular lamp envelope, and the transformer is preferably disposed around the lamp envelope. The electrodeless lamp further includes an amalgam located within the lamp envelope. The input winding receives radio frequency energy which produces a low pressure discharge in the lamp envelope. There is no disclosure in Kling of any fluorescent layer or the mechanism of high frequency resonance.

Response to Rejection of Claims 10, 12-18 under 35USC103

The Examiner rejected claims 10 and 13-18 under 35USC103(a) as being unpatentable over Yamamoto (JP 2003-109547) in view of Kling. Pursuant to 35 U.S.C. 103:

"(a) A patent may not be obtained thought the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences**

between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made."

In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Yamamoto which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Kling at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

The applicant respectfully submits that the differences between the instant invention and Yamamoto are not obvious in view of Kling under 35USC103(a), due to the following reasons.

Regarding the newly drafted claim 19, Yamamoto fails to teach a magnetic light, comprising an air-filled light body which comprises a glass tube and an air guiding tube, and has an inner cavity, at least a through slot defined on the inner cavity, and a fluorescent layer coated onto the inner cavity, wherein the glass tube is extended into the inner cavity, and is communicated with the inner cavity for storing a predetermined amount of mercury; and a magnetic body positioned in the through slot of the inner cavity, and is arranged to generate high frequency resonance with the fluorescent layer so as to allow the fluorescent layer to generate illumination having an enhanced luminous efficiency, extended life span and enhanced energy saving ability.

In fact, Yamamoto merely discloses an electrodeless discharge lamp comprising a bulb in which the discharge gas is sealed, cores which impress high frequency electromagnetic field on the bulb 1, a coil wound on the cores and a high

frequency power source which supplies high frequency power to the bulb. In other words, Yamamoto fails to expressly disclose that the mechanism by which illumination is generated is **through illumination of the fluorescent layer subject to high frequency resonance**. Moreover, there aren't any through slot for accommodating the magnetic body and the glass tube.

The examiner argues that it would have been obvious for one having ordinary skill in the art to have combined Yamamoto with Kling to produce the instant invention. This is not true. Both Yamamoto and Kling fail to teach the exact mechanism of the operation of the instant invention, i.e. illumination is generated is **through illumination of the fluorescent layer subject to high frequency resonance.** The examiner regards this operation as an "intended use" language. The applicant respectfully submits that the physical arrangement of the various components recited in claim 19 inherently achieve the high frequency resonance on the fluorescent layer. Thus, the language is not an intended use language but an inherent result of what is claimed. More specifically, when the magnetic body is positioned in the through slot of the inner cavity, and is arranged to generate high frequency resonance, then the fluorescent layer, after the high frequency resonance, is arranged to generate illumination having an enhanced luminous efficiency, extended life span and enhanced energy saving ability.

Thus, even combining Yamamoto and Kling would not provide the invention as claimed -- a clear indicia of nonobviousness. *Ex parte Schwartz*, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992), ("Even if we were to agree with the examiner that it would have been obvious to combine the reference teachings in the manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed.").

The only mention of the illumination mechanism of the magnetic light is in applicants own specification and claims. Accordingly, it appears that the Examiner has fallen victim to the insidious effect of a hindsight analysis syndrome where that which only the inventor taught is used against the teacher in *W.L. Gore and Associates v. Garlock, Inc.*, 220 USPQ 303, 312-313 (Fed. Cir. 1983) cert. denied, 469 U.S. 851 (1984).

Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

A fee in an amount of US$405.00 is submitted herewith to pay the fee for Request for Continued Examination (RCE). This amount is believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 502111.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejection are requested. Allowance of claims 19-25 at an early date is solicited.

Should the examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Raymond Y. Chan/

Raymond Y. Chan
Reg. Nr.: 37,484
108 N. Ynez Ave.
Suite 128
Monterey Park, CA 91754
Tel.: 1-626-571-9812
Fax.: 1-626-571-9813

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with proper postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" or being facsimile transmitted to the USPTO on the date shown below.

Signature: Katy Chen Date: 11/20/2009
Name in print: Katy Chen